HIGH COURT OF UTTARANCHAL AT NAINITAL
Original Jurisdiction
Dated: Nainital the 27th September, 2006
Second Bail Application No. 811 of 2006
Order on the bail application of the accused.

CRIMINAL SIDE

Manoj Yadav
S/o Sri Sita Ram yadav
R/o Village Kothia
Police Station – Kamtaul
District – Darbhanga (Bihar). …….. Applicant

Versus

State of Uttaranchal ……. Opposite Party

In Case Crime No. 482 of 2005
U/s 302 I.P.C.
Police Station Kotwali Haridwar
District – Haridwar

Hon'ble J. C. S. Rawat, J.

Heard, Sri Vivek Shukla, learned counsel for the applicant, learned A.G.A for the State and perused the record.

The applicant moved the first bail application which was rejected on 17.02.2006 on the ground that the eye witnesses Madan Ram and Nand Kishore had seen the incident. Under Section 161 Cr.P.C. they have been claimed to be the eye witnesses of the incident. After the rejection of the bail application by this Court the trial proceeded and during the trial the eye witnesses Madan Ram and Nand Kishore had not supported the prosecution version and they have stated that they have not seen the incident. They were declared hostile. On the ground that the witnesses had not supported the prosecution version, the applicant moved the second bail application.

Considering the statement recorded before the trial court of the eye witnesses, I am of the view that this is a fit case for bail.

Bail application is allowed. Let the applicant be released on bail on executing a personal and two sureties each in the like amount to the satisfaction of the C.J.M., Haridwar.

(J.C.S. Rawat, J.)

27.09.2006
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